



Order Filed on December 22,
2017 by Clerk U.S. Bankruptcy
Court District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, LLC
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856-858-7080
Attorneys for Movant: HSBC BANK USA,
N.A.

IN re:

Karen Webber-Gobern aka Karen Webber

Case No.: 14-29060-JKS
Chapter: 13
Judge: John K. Sherwood

Recommended Local Form



Followed



Modified

AGREED ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

**DATED: December 22,
2017**

A handwritten signature in black ink, appearing to read "J K Sherwood", is written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: HSBC BANK USA, N.A.
Applicant's Counsel: Alexandra T. Garcia, Esq.
Property Involved ("Collateral") 1014 Blackberry Lane, Union, New Jersey 07083
Relief Sought: ☒ Creditor's Certification of Default
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 15 months, from October 1, 2016 to December 1, 2017 as follows:

- The Debtor is overdue for 3 payments at \$2,837.40 per month for the months of October 2016 – December 2016 for a total of \$8,512.20.
- The Debtor is overdue for 12 payments at \$2,874.41 per month for the months of January 2017 – December 2017 for a total of \$34,492.92
- Debtor is credited with suspense in the amount of \$26.21.

Total Arrearages Due: \$42,978.91

2. Debtor must cure all post-petition arrearages, as follows:

☒ On or before December 31, 2017 Debtor must tender a certified lump sum payment in the amount of \$42,978.91 to cure all post-petition arrears on the mortgage.

☒ Beginning on January 1, 2018, regular monthly mortgage payment shall continue to be made in the amount of \$2,900.84*.

* Monthly mortgage payments are subject to change pursuant to the requirements of Bankruptcy Rule 3002.

3. Payments to the Secured Creditor shall be made to the following address(es):

| | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | Immediate payment: | PHH Mortgage Services 1 Mortgage Way Mailstop: SBRP Mt. Laurel, NJ 08054 |
| <input checked="" type="checkbox"/> | Regular monthly payment: | Same as above |
| <input type="checkbox"/> | Monthly cure payment: | Same as above |

4. In the event of immediate Default:

☒ If on Dec 31, 2017, the Debtor has not repaid the post-petition arrears in full, then Lender is granted relief from the automatic stay as provided under 11 U.S.C § 362 as to the property, and the automatic stay is terminated as it affects Lender's interest in the property. In order to activate the relief from the automatic stay provision, Lender shall file an Affidavit of Default with the Court, and relief shall be deemed granted without any further hearing and without the entry of an additional order from the Court. Such Affidavit of Default shall contain a statement of the default as supported by Lender's records and will activate the conditional relief granted in this paragraph.

5. In the event of further Default:

☒ If the Debtor makes the lump sum post-petition payment to cure the arrears by Dec 31, 2017, but then fails to make any regular monthly mortgage payment within thirty (30) days of the date the payments are due, then Lender may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with the terms of this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Debtor, and the Debtor's Attorney.

6. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

7. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$200.

The fees and costs are payable:

☒ through the Chapter 13 plan.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Karen Webber-Gobern
Debtor

Case No. 14-29060-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Dec 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 24, 2017.

db +Karen Webber-Gobern, 1014 Blackberry Lane, Union, NJ 07083-8718

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 24, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 22, 2017 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor HSBC BANK USA, N.A. NJECFMAIL@mw-c-law.com
Celine P. Derkrikorian on behalf of Creditor HSBC BANK USA, N.A. njecfmail@mw-c-law.com
Clifford B. Frish on behalf of Debtor Karen Webber-Gobern yrodriguez@goldmanlaw.org,
cfrish@goldmanlaw.org;yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.
bestcase.com
David G. Beslow on behalf of Debtor Karen Webber-Gobern yrodriguez@goldmanlaw.org,
yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
Denise E. Carlon on behalf of Creditor JPMORGAN CHASE BANK, N.A. dcarlon@kmlawgroup.com,
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Marisa Myers Cohen on behalf of Creditor HSBC BANK USA, N.A. mcohen@mw-c-law.com,
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Mark Goldman on behalf of Debtor Karen Webber-Gobern yrodriguez@goldmanlaw.org,
yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
TOTAL: 8